

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1, 2, 4-11, and 18-19 were pending in this application. Claims 1, 8, and 11 have been amended hereby to correct matters of form. Accordingly, claims 1, 2, 4-11, and 18-19 will be pending herein upon entry of this Amendment. For the reasons stated below, Applicants respectfully submits that all claims pending in this application are in condition for allowance.

In the Office Action mailed June 17, 2003, the Examiner restricted claims 1, 2, 4-11, as being drawn to an apparatus for automating the processing of damage claims and restricted claims 18 and 19 as being drawn to a process for processing damage claims. The Examiner examined claims 1, 2, 4-11 as being "constructively" elected by original presentation and withdrew claims 18 and 19 from further consideration. Applicants respectfully traverse this restriction requirement and election. Applicants provisionally elect to prosecute claims 18 and 19.

Independent claim 18 has been amended to positively recite "a dispatch division" and therefore, the Examiner's assertion that either the process as claimed can be practiced by another materially different apparatus or by hand, or the apparatus as claimed can be used to practice another materially different process, is not supported. The Examiner has given no other justification for restriction, and therefore the restriction requirement must be withdrawn.

In the Office Action, the Examiner also rejected claims 1, 2, and 4-11 under 35 U.S.C. § 112, second paragraph, as reciting both apparatus and method steps for using the apparatus. In

addition, the Examiner rejected claims 1, 2, and 4-11 under 35 U.S.C. § 101 as being directed to a non-statutory subject matter. Although Applicants respectfully disagree with this assertion, claims 1 and 8 have been amended and are believed to address the Examiner's concerns. Therefore, Applicants respectfully request that the Examiner withdraw these rejections.

Finally, the Examiner rejected claim 1, 2, and 4-11 under 35 U.S.C. § 102(b) as being anticipated by Applicants' disclosure in view of Bunte et al. Applicants assume that the Examiner intended to reject under 35 U.S.C. § 103, however, this rejection was addressed in a previous personal interview with the Examiner on May 19, 2003, in which the Examiner considered the claims and indicated that they would overcome that current rejection. Because the Examiner has relied on the § 101 and § 112 rejections to in making this rejection, Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 102(b) rejection as well.

Examiner Kramer is thanked for the courtesies extended to Applicants' representatives during the personal interview conducted today, September 17, 2003. Agreement was not reached during the interview regarding the above comments.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703/770-7900

Date: September 17, 2003

Respectfully submitted,

WILLIS ET AL

By:



Chad D. Wells

Registration No. 50,875

Attachments:

MAO/CDW



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